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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 29 July 2009 from the Permanent Mission of the Netherlands to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Kingdom of the Netherlands to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to refer to the latter's note verbale dated 29 June 2009.

With reference to paragraph 22 of resolution 1847 (2009), the Permanent Mission of the Kingdom of the Netherlands to the United Nations has the honour to submit to the Security Council Committee established pursuant to resolution 1718 (2006) the requested report of the Government of the Kingdom of the Netherlands on the above-mentioned issue (see annex). Unfortunately, the Ministry of Foreign Affairs of the Kingdom of the Netherlands was hitherto unable to provide this report in time, as verification took longer than expected.

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Annex to the note verbale dated 29 July 2009 from the Permanent Mission of the Netherlands to the United Nations addressed to the Chairman of the Committee

Report of the Netherlands on the steps taken with a view to implementing Security Council resolution 1874 (2009)

Pursuant to paragraph 22 of Security Council resolution 1874 (2009), I have the honour to inform you on the steps taken by the Government of the Netherlands to implement the measures imposed by paragraph 8 of resolution 1718 (2006) and paragraphs 9, 10, 18, 19 and 20 of resolution 1874 (2009).

The Netherlands and the other States members of the European Union have jointly implemented the restrictive measures against the Democratic People's Republic of Korea imposed by Security Council resolutions 1718 (2006) and 1874 (2009) by taking the following common measures:[a]

- Council Common Position 2006/795/CFSP of 20 November 2006,[b] as amended by Council Common Position 2009/573/CFSP of 27 July 2009.[c]

  The Common Position sets out the European Union's commitment to implementation of all the measures contained in Security Council resolutions 1718 (2006) and 1874 (2009), and provides the basis for EU specific implementing measures within the scope of the resolutions, notably:

  - complete arms embargo;
  - export ban on certain other items, in addition to those determined by the Sanctions Committee, which could contribute to the Democratic People's Republic of Korea's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes;
  - listing, to be decided by the Council of the EU, of persons and entities subject to visa ban and asset freeze, either by reason of their promotion or support of the Democratic People's Republic of Korea's programmes as mentioned above or because they provide financial services or other resources that could contribute to those programmes;
  - enhanced monitoring over the activities of financial institutions within the jurisdiction of EU member States with certain banks and financial entities linked to the Democratic People's Republic of Korea;
  - additional information requirements for aircraft and vessels transporting cargo to and from the Democratic People's Republic of Korea.

The EU will adopt a Council decision implementing Common Position 2006/795/CFSP and establishing, for the purpose of the visa ban and the asset freeze, the list of persons and entities in accordance with determinations made by the Sanctions Committee on 24 April and 16 July 2009.

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[a] All common measures are published in the *Official Journal of the European Union*, which can be consulted through the following web pages: http://eur-lex.europa.eu/JOIndex.do?ihmlang=en (published issues) and http://eur-lex.europa.eu/RECH_menu.do?ihmlang=en (search form).

[b] *Official Journal of the European Union* L 322, 22.11.2006, p. 32.

[c] Yet to be published in the *Official Journal of the European Union*.

- Council Regulation (EC) No. 329/2007 of 27 March 2007,[d] as amended by Commission Regulation (EC) No. 117/2008 of 28 January 2008[e] and Commission Regulation (EC) No. 389/2009 of 12 May 2009.[f]

The Council Regulation implements in the European Community the ban on exports of goods and technology which could contribute to the Democratic People's Republic of Korea's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes and on the provision of related services, the ban on procurement of goods and technology from the Democratic People's Republic of Korea, the ban on export of luxury goods to the Democratic People's Republic of Korea, as well as the freezing of funds and economic resources of persons, entities and bodies engaged in or providing support for the said Democratic People's Republic of Korea programmes as designated by the Sanctions Committee and the prohibition of making funds or economic resources available to such persons or entities, with certain exemptions as provided for in Security Council resolution 1718 (2006).

Commission Regulation No. 117/2008 amends the Council Regulation by including the list of goods and technology subject to the export and import ban (other than luxury goods) as set out in annex I to the Council Regulation in accordance with determinations made by the Sanctions Committee.

Commission Regulation No. 389/2009 amends the Council Regulation by including the entities designated by the Sanctions Committee on 24 April 2009 in the list of persons, entities and bodies subject to the asset freeze as set out in annex IV to the Council Regulation.

The Commission will adopt a Commission regulation amending the Council Regulation by including goods in annex I and persons and entities in annex IV to the Council Regulation in accordance with determinations made by the Sanctions Committee on 16 July 2009.

- Council Regulation (EC) No. 539/2001 of 15 March 2001 (and its subsequent amendments.[g] This Regulation requires nationals of the Democratic People's Republic of Korea to be in possession of a visa when entering the European Union.

As soon as the Council Decision and the Council Regulation are adopted, the Netherlands Minister for Foreign Affairs, in cooperation with other ministers concerned, will lay down the necessary national provisions in secondary legislation, within the framework of the sanctions Law 1977. Such legislation is currently under preparation. Pending the adoption of the EU regulation and, subsequently, national secondary legislation, the Netherlands is implementing its obligations under the Security Council through its existing national legislation and instruments, i.e., border patrol, visa and import/export licences.

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[d] *Official Journal of the European Union* L 88, 29/3/2007, p. 1.

[e] *Official Journal of the European Union* L 35, 9.2.2008, p. 57.

[f] *Official Journal of the European Union* L 118, 13.5.2009, p. 78.

[g] *Official Journal of the European Union* L 81, 21.3.2001, p. 1.